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DEPARTMENT OF STATE
THE LEGAL ADVISER

DECLASSIFIED
Authority NAD 901068
By HRM/SG Date 8/22/91

April 25, 1959

MEMORANDUM

TO : EUR - Mr. Merchant
FROM : L - Mr. Becker
SUBJECT: GDR Declaration on Berlin

I am attaching (Tab A) an alternative method of presenting the declarations called for in paragraph 2(c) of the Recommendations of the Working Group on Berlin. This method is based on the precedent of the agreed United States-Chinese Communist announcement regarding release of prisoners which resulted from long United States-Chicom negotiations at Geneva. It would thus clearly be consistent with non-recognition of the German Democratic Republic since there is no question that the Geneva announcement did not in any way affect the existing situation with respect to non-recognition of Communist China. This method could be suggested as an alternative if the French and Federal Republic continue to object to the procedure regarding GDR declarations set forth in the Working Group Report.

A draft Press Release is also attached (Tab B) which would be issued by the Department (similar ones would presumably be issued unilaterally by the British and French) stating that the action taken did not constitute recognition.

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Agreed Announcement of the Ambassadors of
the United States of America, United Kingdom, France,
U.S.S.R., and the German Democratic Republic

The Ambassadors of the United States of America, United Kingdom, the French Republic, the U.S.S.R., and the German Democratic Republic have agreed to announce measures which their respective Governments have adopted concerning access to West Berlin from the Federal Republic of Germany.

(1) Ambassador (name of East German Ambassador), on behalf of the German Democratic Republic, has informed the Ambassadors of the United States of America, the United Kingdom, and the French Republic, that, pending German reunification:

a) The German Democratic Republic will not deviate from existing procedures, specifically the procedures that were followed during [a specified period such as April, 1959] regarding Allied military traffic to Berlin.

b) It will be governed by the Paris, June 20, 1949 Big Four Communique in procedures relating to civilian traffic.

(2) The Ambassador of the U.S.S.R. (name) stated that his Government associated itself with the foregoing declaration

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of the German Democratic Republic.

(3) The Ambassadors of the United States of America, the United Kingdom, and the French Republic, on behalf of their Governments, have informed Ambassador (name of East German Ambassador) that the military forces of the United States, United Kingdom, and France will not deviate from existing procedures, specifically the procedures that were followed during [specified period such as April, 1959] regarding Allied military traffic to Berlin. They will be governed by the Paris, June 20, 1949, Big Four Communique in procedures relating to civilian traffic.

(4) The Ambassadors of the United States of America, the United Kingdom, the French Republic, and the U.S.S.R., on behalf of their Governments, have agreed that a special representative of the United Nations would be established in Berlin to observe the execution of the declarations set forth above, and to offer local assistance to the interested parties in any technical discussions concerning such execution.

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DRAFT PRESS RELEASE

DESIGNATION OF AMBASSADOR _____ TO
MEET WITH REPRESENTATIVES OF GERMAN DEMOCRATIC
REPUBLIC.

The Department of State announced today that in an effort to find a peaceful solution to the Berlin crisis created by the Soviet Union by its announced plan to unilaterally withdraw from the functions heretofore exercised with regard to the access of Western military forces to Berlin, talks have been held between Ambassador _____ and a representative of the East German regime.

As a result of the talks in question, announcement has been made that the German Democratic Republic will not deviate from existing procedures regarding Allied military traffic to Berlin, and will be governed by the 1949 agreement between the Three Western Powers and the Soviet Union terminating the Berlin blockade.

United States participation in these conversations [and in the joint announcement] in no way implies United States accordance with any measure of diplomatic recognition of the East German regime.

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